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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-seventh session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 63rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 14 November 2001, at 10.55 a.m.

Chairperson: Ms. BONOAN-DANDAN

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The public part of the meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Fourth periodic report of Colombia (E/C.12/4/Add. 6; E/C.12/Q/COL/2; E/C.12/CA/COL/1; written replies to the list of issues, prepared by the Government of Colombia (document without a symbol); HRI/CORE/1/Add.56/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Colombia took places at the Committee table.

2. Mr. CASTRO (Colombia), introducing his Government's report (E/C.12/4/Add. 6), said that any analysis of Colombia's progress in the field of economic, social and cultural rights must take account of the political, economic and social context of the country's development over the past 40 years, and particularly its most recent past.

3. Violence was an important feature of the political context, for while Colombia's political system was basically stable, its history as an independent nation had been characterized by long periods of political violence. The political system had not found it easy to cope with major change such as the transition to an urban society, progress in primary education and the decline in the Church's influence, and armed conflict had flared up in the 1960s in pursuit of the realization of economic, social and cultural rights. In the 1980s, however, as the insurgent groups had moved on to a war footing, their assertion of those rights had given way to violations of those same rights. From that time, too, as drug trafficking had become an increasingly important source of funding for the armed groups and organized crime, the cultivation of illicit crops had spread and the armed conflict had escalated and expanded, with devastating effects on the country's economic and social development. Indeed, drug trafficking had changed the entire context of the conflict and destroyed Colombia's physical, human, social and environmental capital.

4. Thus, for example, as membership of insurgent, paramilitary and self-defence groups had grown during the 1980s and 1990s in parallel with the expansion of drug cultivation and production, there had been an exponential increase in the annual homicide rate, with a figure of over 25,000 for 1997. Such loss of human capital represented a constraint on economic growth of 2 per cent of GDP annually. Male life expectancy had fallen by four years and the population's general health had deteriorated.

5. The conflict had also exacted a terrible social toll, disrupting communities and undermining social cohesion. Between 1989 and 1999, four presidential candidates, 569 parliamentarians, 138 mayors and more than 1,000 leaders of civil society groups, including trade unions, had been assassinated.

6. Another major factor affecting progress towards realization of economic, social and cultural rights was the forced displacement of persons. Official figures estimated the current total of internally displaced persons as 600,000, with more than 100,000 displaced annually.

7. Part of the insurgents' strategy was to destroy local infrastructure by attacking education, health and sanitation facilities, and also the national infrastructure by attacks on electrical and oil installations. Such destruction of physical resources made it very difficult to meet the population's basic needs and, since oil revenue was a major component of Colombia's finances, it had a direct effect on the economy. Attacks on oil installations had also caused vast oil spills, affecting fragile ecosystems and environmental resources in general.

8. With regard to Colombia's economic development, in the 1980s Colombia had been a middle-income country with traditionally stable growth, which had given it a favoured position in Latin America and enabled it to escape the debt crisis. Its relatively diversified economy had helped it to achieve annual growth rates of around 4 per cent. In the 1990s Colombia had embarked on a process of economic liberalization and reform of the State that had entailed major changes in the system of production. Public spending had increased sharply between 1994 and 1998 and the resulting budget deficits had had a significant effect on economic indicators. By 1999, the deficit had become unsustainable and investment had slumped dramatically. The resulting slowdown in growth and a sharp rise in unemployment rates had plunged Colombia into its deepest economic crisis for 60 years, and between 1996 and 2000 the number of poor had increased by 2 million.

9. Overall, some progress had been achieved between 1985 and 2000. For example, the school enrolment rate had increased from 52 per cent to 72 per cent and the gap between Colombia's various regions had narrowed; and between 1990 and 1999 global health coverage had expanded from 24 per cent to 60.7 per cent, with unprecedented advances in rural areas, and social equity had improved. Nevertheless, since 1997 the crisis had had a marked effect on human development indicators, with only slight increases in life expectancy and literacy rates, a two-point drop in school enrolment rates and shrinking per capita GDP. The poorest sectors had been hardest hit: health coverage had been affected by a restricted ability to pay contributions; access to drinking water and basic sanitation, while not declining, had not expanded either; and incomes had stagnated. Violence, too, tended to affect the poorest of Colombia's inhabitants: homicide rates were highest among the lowest three income strata.

10. Unemployment was most severe among the lowest income deciles and the 18-25 age group, and unemployment rates among women were also higher than the national average. Moreover, unemployment had had collateral effects that hampered the enjoyment of economic, social and cultural rights: as incomes shrank, children had been taken out of school, either because their families could not afford the fees or because the children were needed to generate income; health coverage had decreased by four percentage points in the past three years; and changes in nutrition patterns among the poorest or most vulnerable families had led to a deterioration in their basic diet.

11. In the area of women's rights, overall progress had been made. Colombia's gender empowerment measure (GEM) was higher than Japan's, which showed that wealth and income were not the only indicators of opportunity: women's share of income was still only 75 per cent

that of men, but that figure compared with 60 per cent in 1991; women's life expectancy was seven years higher than men's; and literacy rates were roughly equal. The crisis had nevertheless taken a toll: women's educational enrolment rates, which had been equal with men's in 1997, had fallen two percentage points in 1999 as women found themselves obliged to abandon their education and generate income.

12. Over the last 20 years considerable progress had been made in the field of primary education. Almost 95 per cent of children were now enrolled in primary schools. Most children received free education, especially those living in the rural sector where coverage was not as widespread. Owing to the recent economic crisis, enrolments in the private sector had declined significantly, and more children were being enrolled in State-run schools. However, the attendance rate among children from the poorest families, was still relatively low, because such families were often unable to bear the cost of education and needed the extra income that a working child could provide; furthermore, the State was still unable to offer enough places to absorb demand and many children in rural areas found it difficult to gain access to schools, particularly in cases of forced displacement. Almost 50 per cent of children from rural areas did not attend secondary school. Improvements were also needed at the level of higher education, where many problems persisted relating to the type and quality of education available.

13. As a result of the economic crisis, unemployment rates were very high and the average length of time needed to find a job had risen to 36 weeks. Child labour had been reduced but continued to be a matter of concern. Finally, trade union activity had been somewhat hampered in recent years owing to the climate of violence, although trade unions had played a significant role in wage negotiations.

14. The CHAIRPERSON congratulated Colombia on being one of the few State parties to have submitted a fourth periodic report, and invited Committee members to put general questions relating to Nos. 1 to 10 of the list of issues.

15. Mr. MARCHAN ROMERO asked the State party to provide details concerning the current status of negotiations between the Government of Colombia and guerrilla groups. The reporting State should indicate what prospects the immediate future held, given the possibility that the guerrillas would hand over demilitarized zones to the Government. The Government was facing international pressure to decide whether or not it classed the rebel groups as terrorists; such a decision would have a significant impact on the status of negotiations and it would be interesting to know how economic, social and cultural rights would be affected. Further details should be provided on the steps that were being taken to introduce an anti-terrorism law. Would the law take into account economic, social and cultural rights? Were such rights taken into account in the Government's dialogue with rebel groups?

16. Mr. ATANGANA said he would welcome information about the status of the new draft penal code, which would criminalize forced disappearance, forced displacement and social cleansing.

17. Ms. BARAHONA-RIERA asked whether the programmes, initiated by the present Government would continue even if another political party came to power after the forthcoming elections.

18. Mr. SADI said he had been impressed by the candour of the Colombian representative in his initial statement. Against a background of extensive violence, it seemed that the Government did not control enough territory to enable it to implement economic, social and cultural rights in earnest. Under the circumstances, was the Government in a position to say that the rights under the Covenant could be given priority consideration? If Colombia was to meet its obligations in that respect, law and order had to be maintained throughout the country.

19. Mr. RIEDEL said that the State party should clarify what it meant when it mentioned in its written replies that a comprehensive policy for assistance to displaced persons had been introduced, "designed to restore them to normal life in ways which go beyond the traditional approach of providing them with things to satisfy some of their needs". Some concrete examples should be provided. Was the Government seeking international assistance or the involvement of non-governmental organizations (NGOs) in that respect? Colombia's legal framework, as described in the written replies, enabling the rights proclaimed in the Covenant to be invoked in the courts, was exemplary. Under the Constitution, an individual could resort to the courts at any time to claim immediate protection for his or her fundamental rights if they had been impaired or threatened by the action or omission of any public authority. The examples provided in the written replies were useful, but further information should be provided about the outcome of the decisions on violations to the right to health.

20. Mr. TEXIER said that the introductory statement had painted a very bleak picture of the situation in Colombia. No mention had been made of the role, or absence thereof, played by the State in violent acts, and the matter needed clarification. The State party should also explain what was meant by "paramilitary groups". Further information should be provided about the measures taken by the Government to prevent the displacement of persons in Colombia, which was a matter of great concern. Eighty per cent of the "Plan Colombia" budget, which had been adopted to eradicate the cultivation of coca, was allocated to the military, and the Plan had contributed towards further displacements and violated the economic, social and cultural rights of individuals, whose land was polluted by toxic chemicals. What measures had been taken to ensure that the Plan did not exacerbate the situation of those people?

21. In its written replies to issue No. 9, the State party indicated that it endeavoured to disseminate and publicize the rights recognized in the Covenant, and drew particular attention to the services of the Ombudsman's Office (Defensoría del Pueblo). However, a report by the Plataforma Colombiana de Derechos Humanos, a human rights organization bringing together a number of Colombian NGOs indicated that it had been obliged to use its right of petition, and even to seize the Administrative Court, before it had been able to obtain access to a copy of Colombia's fourth periodic report. Such an attitude was surely not conducive to national dialogue.

22. Mr. CEAUSU said that at the Committee's 60th meeting he had heard statements by Colombian NGOs describing cases of torture, repression and violence. It was alleged that trade union representatives had been murdered and that people were being forcibly displaced. Paramilitary groups linked to the army or the police were held responsible. What were the Colombian authorities doing to address the problem? It would be interesting to know whether

the current economic crisis had been triggered or aggravated by the reign of violence. Human rights violations would not stop until peace was restored. Who were the parties to the peace negotiations? What was the international community doing to improve the situation in Colombia? The NGOs clearly blamed the paramilitary groups and State authorities but it was essential that all parties involved in the violence should assume their responsibilities and work towards peace.

23. Mr. WIMER ZAMBRANO said that the introductory statement made by the representative of Colombia had been enlightening but did not sufficiently illustrate the complex social structure of Colombia or the paradoxical nature of its political, social and economic situation. For example, no reference had been made to the distribution of wealth. In 2000, the World Bank had ranked Colombia the world's second worst performer in terms of distribution of wealth. He would be interested to know the Government's opinion on that matter.

24. Mr. MALINVERNI said that according to the 2000 Country Report on Colombia by the United States Committee for Refugees (USCR), the Government of Colombia had sought US$ 460 million for aid to displaced persons. Had that sum been obtained, and if so, what had the money been used for? Had the sum proved sufficient?

25. Mr. GRISSA said he had been struck by the frankness of the statement by the Government of Colombia, as well as by the bleakness of the situation in that country. The statement had not, however, touched on the crux of the situation, which was the fact that the country's wealth, income and political power rested in the hands of the 20 per cent of the population that was white. There was no racial integration in Colombia, and most of the poor were non-white. Such poverty drove people into rebellion and encouraged the production of cocaine. The drug traffickers came from the uneducated poor. Abortion was illegal in Colombia; yet, half a million women had illegal abortions annually and many died as a result. Colombia had the highest homicide rate in the world. The ruling class had failed to fulfil its role in society, which was to share not only the wealth but also the power to make decisions. As long as that situation continued, Colombia would not achieve peace.

26. Mr. HUNT inquired to what extent, in law and in fact, Colombia's national human rights institutions promoted and protected economic, social and cultural rights. He would like to know, for example, whether the Ombudsman's office was empowered to conduct inquiries regarding the realization of those rights, including in particular the rights to food and education, and if so, whether it used that power.

27. Mr. CASTRO (Colombia) said that the Government's negotiations with the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) should be viewed within the broader context of the conflict in Colombia, which was subject to both internal and external factors. The attacks of 11 September 2001 had prompted the Government to attempt to assess whether the armed groups operating in Colombia should be considered terrorist groups. It had determined that although acts committed by those entities would be characterized as terrorist acts under international law, their aims and purposes were political in nature.

28. It was also important to understand that Colombia had reached the end of a political cycle, since a new administration would take over in August 2002. Consequently, there had been a lull in the negotiations, with armed groups trying to defer the conclusion of agreements until such time as they knew who the next president would be. The anti-terrorism law was still being prepared, and had not yet been submitted to Congress for approval.

29. Economic, social and cultural rights were indeed a subject of importance in the peace talks: the FARC agenda included an economic development model, along with an assessment of its social implications, and addressed such social issues as agrarian reform, the distribution of wealth, education and health. In addition, since the Constitution of Colombia guaranteed economic, social and cultural rights, it was only natural that those rights should be included in the agenda of the talks.

30. The draft of the new penal code was currently before Congress; for the most part, the crimes mentioned by Mr. Atangana were, in any event, already covered by existing legislation.

31. The Government envisaged that its economic and social policies would be carried on by the next administration. Colombia had traditionally had a stable, responsible and moderate economic programme, and the statements of presidential candidates suggested that that approach would continue into the next presidency. The Government had concluded a number of agreements with multilateral agencies; one such was an agreement with the International Monetary Fund (IMF) to generate better conditions for medium- and long-term economic growth. Such issues as the displacement of populations, the illegal coca plantations, the expansion of drug trafficking, the intensification of the armed conflict and the deterioration of institutions concerned the entire Colombian society, and were not the exclusive domain of any particular group or party. There was a consensus in Colombia that the problem of violence must be resolved through political negotiations, and that the problem of drug trafficking and the armed conflict were inextricably linked. Progress in one area depended on progress in the other. That national consensus, involving the principal themes of the national social agenda, would surely be taken up by the new Government.

32. The question had been asked whether there was a coordinated national policy on economic, social and cultural rights, and whether those rights were guaranteed. Every four years, the Government drew up a national development plan which reflected the economic, social and cultural rights enshrined in the Constitution as well as in domestic legislation. Despite long periods of violence, Colombian institutions had remained largely stable: the country was one of the oldest democracies in Latin America, with an enduring system of political parties. Although the eruption of conflict had brought about a radical change in the country's political orientation, including an interest in territorial control, both political and military, and armed groups had sought to impose control over areas producing certain key resources such as energy and oil, it should be remembered that the 30,000 persons under arms in Colombia represented a tiny percentage of the total population of 42 million people.

33. Colombia had developed a national policy with regard to the displaced populations, which was supported by such international organizations as the International Committee of the Red Cross (ICRC). That policy comprised emergency humanitarian assistance, the transition from emergency assistance to renewed socio-economic stability, and protection for affected populations and populations at risk.

34. The debate regarding Plan Colombia had focused on the problem of drug trafficking. Mechanisms for combating the problem were extremely costly, and absorbed many of the resources available for implementation of the Plan. An unprecedented sum had nevertheless been earmarked for humanitarian assistance and human rights, which included such areas as alternative development, the establishment of physical and social infrastructure in remote regions, and investment in education and health.

35. As to Mr Texier's comment regarding NGOs' access to the fourth periodic report, in 1999, the year in which the report was to have been submitted, Colombia had suffered a major earthquake, and those responsible for preparing the report had had to focus all their attention and resources on coping with that disaster. Preparation of the report had consequently been delayed Nonetheless, the Government had emerged in an open dialogue with civil society and with NGOs on all aspects of the report.

36. Concern had been voiced about what steps the authorities were taking to combat violence and the extent to which security measures hampered the enjoyment of economic, social and cultural rights. In that regard, the Government viewed the prevailing violence as one of the root causes of the economic crisis, which had worsened as the level of violence had increased. In 1998 it had established a national development plan whose central thrust was the establishment of peace, an essential prerequisite if adequate investment was to be generated. The Government accepted the World Bank figures relating to income distribution, and the national agenda included, as a major theme, the need to improve economic and social progress, inter alia through a better distribution of resources and opportunities.

37. As a result of Colombia's approach to countries that had been assisting it in the peace process, some US$ 460 million had been earmarked for assistance to internally displaced persons. In addition, it was hoped to make available US$ 1.3 billion over the next few years, much of which would be used for the same purpose.

38. Although poverty was held to be one of the major causes of the spread in drug trafficking, there were countries just as poor as Colombia - Ecuador for example - where drug trafficking had not prospered. The fact was that in Colombia the situation had been exacerbated by political instability and armed conflict, with a resultant serious undermining of the State's role and authority. Another factor, associated with the violence and instability, was that some farmers were coerced into growing coca by force of arms, rather than through poverty. It should be borne in mind that Colombia had been beset by political instability and associated armed conflict for over 40 years. Its development aims, based on the Constitution and the law, nevertheless remained geared to achieving the promotion and protection of all human rights, including economic, social and cultural rights.

Articles 1-5

39. Ms. BARAHONA-RIERA said that the Colombian authorities' efforts, reflected in the 1998-2002 National Development Plan, Change for Building Peace, while welcome, could not disguise the immense complexity of the problems the country faced. With reference to article 3 of the Covenant, Colombia had been making strides towards gender equality until 1997, but the subsequent economic and other problems seemed to have weakened the efforts and inhibited the relevant institutions and monitoring arrangements. It was not clear to her, however, why the crisis should have affected the efforts to such an extent, and she would appreciate an explanation. She would also like to know more about what the authorities were doing to combat child abuse, including forcible recruitment of children into armed groups.

40. Mr. HUNT, referring to article 2, paragraph 1, wondered whether the delegation had fully understood issue No. 12. He noted that Colombia had entered into a number of international arrangements which would affect the exercise of economic, social and cultural rights. For example, in 1999 it had concluded an agreement with IMF which provided for a reduction in social expenditure as a percentage of GDP and would pave the way for privatization and other reforms. He wished to know, therefore, whether the Colombian authorities, when negotiating such arrangements, explicitly took into account their obligations to citizens pursuant to the Covenant and, if not, whether the delegation thought that the Covenant could and should be used to moderate such international arrangements with a view to helping vulnerable social groups. Relevant in that regard, although outside the scope of articles 1-5, was the question, under article 11, relating to the course of fiscal reform. According to the delegation's reply to issue No. 32, no studies had yet been carried out to show what specific impact the reforms might have on the population. The reply had been accompanied by written information which he would like to have clarified, since some of it seemed irrelevant. He also wondered how major reforms could have been introduced without an adequate impact analysis, which should surely be carried out before, during and after such reforms. He therefore requested a more detailed explanation.

41. Mr. RIEDEL, referring to issue No. 15, noted that the Colombian delegation, when asked whether the status of the National Office for Equality of Women had been raised as recommended by the Committee on the Elimination of Discrimination against Women, had replied that, because of unavoidable reductions in personnel, the Office had been absorbed into the Presidential Office, which now dealt with the status of women. It was not clear to him, whether such a move would provide greater autonomy for the body responsible for the advancement of women. The delegation had also referred to publication of textbooks designed to avoid gender stereotypes, which were already in use in Bogotá and Barranquilla; he wondered whether they had also been distributed in rural areas.

42. Mr. TEXIER noted that 84 indigenous groups had been identified in Colombia, and that Colombia had ratified ILO Convention No. 169, which provided that such peoples should be consulted whenever a major development on their territory was envisaged. In particular, he had in mind the Uwa people, living in eastern and central Colombia, and the Embera, living in the Córdoba region, who had raised objections to projects. He would like to know whether those indigenous groups had been duly consulted and whether, and to what extent, their traditional forms of cultivation could be maintained.

43. Mr. CASTRO (Colombia), referring to the question asked by Ms. Barahona-Riera on gender equality, said that the Presidential Office of Adviser on Women's Issues, being a presidential body, had the highest possible ranking and authority. Some concern had been voiced that the budget of the Office would be reduced; that matter was being looked into. In general, there were always technical problems relating to presidential bodies, because the term of office was limited to four years. His own department, however, which was responsible for the Development Plan, retained continuity. As had been mentioned, educational handbooks designed to avoid gender stereotyping were already in use, but it was too early to assess their effectiveness. Likewise, related actions with regard to educators could be assessed only in the long term.

44. The subject of measures to prevent the use of children in armed conflicts was, of course, highly sensitive, and complicated by the fact that most situations involved forcible recruitment, especially by FARC. There was a national scheme for reintegrating children in society, in the context of family welfare programmes. However, it was essential to find a way of preventing children from being abducted in the first place, something that had hitherto proved impossible.

The meeting rose at 1 p.m.